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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/538,513	03/30/2000	Fumio Sumi	43889-934	8512

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EXAMINER

LE, KIMLIEN T

ART UNIT

PAPER NUMBER

2653

DATE MAILED: 11/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/538,513

Applicant(s)

SUMI ET AL.

Examiner

Kimlien T Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 485
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. Figure 3 in the description should be Figures 3A and 3B.

### *Objection*

2. Claim 11 is objected as it directs to an improper dependent claim. Applicant is suggested to rewrite claim 11 in an independent form to include all features in claim 1.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Andoh (U.S. Patent 6,141, 306).

Regarding claim 1, see Figs. 1 and 2 of Andoh which show the optical disk controller for

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performing signal processing for an optical disk comprising: a status generator (15, 16, 18, 21-23) for generating status reports each representing the operation state of the optical disk controller; and a status sampling section (17,13) for sampling the status reports (see respective description of circuits 17 and 13).

With regard to claim 2, see Figs. 4 and 5 of Andoh which show the optical disk controller of claim 1, wherein the status sampling section comprises a sampling interval setting portion for setting a status sampling interval (column 2, lines 50-60; column 6, lines 18-25).

With regard to claim 3, see Figs. 4 and 5 of Andoh which show the optical disk controller of claim 2, wherein the sampling interval setting portion sets the sampling interval according to the rotational speed of the optical disk (column 2, lines 50-60; column 6, lines 18-25).

With regard to claim 4, see Figs. 4 and 5 , 8 of Andoh which show the optical disk controller of claim 3, wherein the sampling interval setting portion determines the rotational speed of the optical disk according to a synchronization period of a signal demodulated from the optical disk(column 2, lines 50-60; column 6, lines 18-25; column 6, lines 10-36).

With regard to claim 5, see Figs. 4 and 5 , 8 of Andoh which show the optical disk controller of claim 2, further comprising assigning means for allowing the sampling interval setting portion to set the sampling interval according to a command input externally (column 2, lines 50-60; column 2, lines 25-35; column 5 , lines 4-5, lines 55-60).

With regard to claim 6, see Figs. 4 and 5 , 8 of Andoh which show the optical disk controller of claim 2, wherein the sampling interval setting portion sets the sampling interval

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according to an error rate of a signal demodulated from the optical disk (column 1, lines 33-35; column 2, lines 25-35).

With regard to claim 7, see Figs. 16 and 17 of Andoh which show the optical disk controller of claim 1, wherein the status sampling section comprises a sampling category storing portion that stores "sampling abort" status indicating that sampling operation should be aborted, and when the status report generated by the status generator matches with the "sampling abort" status stored in the sampling category storing portion, the sampling is discontinued .

With regard to claim 8, see Figs. 16 and 17 of Andoh which show the optical disk controller of claim 1, wherein the status sampling section comprises a sampling category storing portion that stores "forced sampling" status indicating that the status report should be forcibly output even during sampling operation, and when the status report generated by the status generator matches with the "forced sampling" status stored in the sampling category storing portion, the status is output even during sampling operation.

With regard to claim 9, see Figs. 16 and 17 of Andoh which show the optical disk controller of claim 7 or 8, further comprising assigning means for setting sampling category information representing the relationship between a factor in the status report and sampling operation and storing the sampling category information in the sampling category storing portion (column 14, lines 40-60).

With regard to claim 10, see Figs. 16 and 17 of Andoh which show the optical disk controller of Claim 9, wherein the status sampling section updates the sampling category information stored in the sampling category storing portion according to a signal demodulated from the optical disk (column 14, lines 26-38).

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With regard to claim 11, see Figs. 1, 16 and 17 of Andoh which show the optical disk device (1) comprising the optical disk controller of claim 1 .

### *References Cited*

Hayashi (U.S. Patent 5,878,009), Perry (U.S. Patent 5,511, 052) , Kim ( U. S. Patent 6, 414,921) and Osada et al(U.S. Patent 5,087,997) are cited to show an optical disk controller and optical disk device.

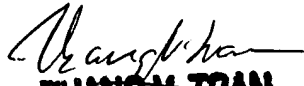
### *Points of Contact*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimlien T Le whose telephone number is 703 305 3498. The examiner can normally be reached on M-F 8a.m-5p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Korzuch William can be reached on 703 305 6137. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9314 for regular communications and 703 872 9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305 3900.

Kimlien Le  
November 3, 2002

  
**THANG V. TRAN**  
**PRIMARY EXAMINER**